

ADVISORY COMMISSION ON SPECIAL EDUCATION

MEETING MINUTES

APPROVED
3/22/01

DOUBLE TREE HOTEL, SACRAMENTO ROOM
2001 POINT WEST WAY
SACRAMENTO, CA 95815

Thursday, February 22, 2001

Commission Members Present

Loeb Aronin, Chair
Patty Boyle
Karla Geller
Shirley Kaltenborn
Barbara Monroe
Sam Swanson

Louis Cassani, Vice-Chair
Allison Brightman
Angela Hawkins
Janet Mangini
Lawrence Siegel

Commission Members Absent

Patricia Flores-Charter
Linda Wyatt

Julie Kennedy

Student Member Present

Danielle Morin

Student Member Absent

Shawn Mohamed

Legislative Members Absent

Charles Poochigian, Senate Member

Fran Pavley, Assembly Member

Governor's Office, Deputy of Education K-12, Liaison Absent

Theresa Garcia

State Board of Education Liaison Absent

Susan Hammer

Kathryn Dronenburg

Department of Education Staff Present

Alice Parker, Executive Secretary
Director, Special Education Division

Ronald S. Kadish, Director
State Special Schools Division

Department of Education Staff – Present

Yolanda Starr, Commission Secretary

Absent

Janet Canning, Staff Liaison

Thursday, February 22, 2001

CALL TO ORDER

Chair Loeb Aronin called the meeting to order at 8:35 a.m. Roll was taken and a quorum was present.

INTRODUCTIONS/ANNOUNCEMENTS

Chair Aronin expressed his appreciation to the California Association of Resource Specialists and Special Education Teachers (CARS+) for their efforts in providing a room for the Commission to meet and their graciousness in attending to the Commission's needs.

Debbie Baehler, CARS+ President invited the Commission to CARS'+ Special Award Luncheon on Friday, February 23, 2001.

Chair Aronin introduced Kevin Verdi as a new student member who will begin with the Commission on September 2001.

Commission Shirley Kaltenborn announced the Commission would be meeting at the Braille Institute in San Diego for its November 14-16, 2001 meeting. She will work with the Commission Secretary on details of hotel lodging and rates.

Chair Aronin announced the appointments of Fran Pavley, as Assembly Member replacing Susan Davis and Richard Hayes, new Commissioner appointee from the Senate Rules Committee. Assembly Member Pavley is a parent of a son who is autistic and she also serves on the Education Committee promoting the needs of people with learning disabilities.

OPERATIONS & PLANNING MEETING REPORT

The Operations and Planning meeting was held on Wednesday evening, February 21, 2001. Points of discussion were:

- Agenda for the Commission March meeting will be planned after the Commission meeting on February 22, 2001.
- Commissioners Brightman, Monroe and Kaltenborn visited 49 legislators between January and February 2001.
- Karla Geller and Patricia Flores-Charter were appointed to the Green Book Committee Liaison.
- Commissioners met with the Learning Disabilities Association (LDA) on Wednesday, February 21, 2000 and invited LDA to attend Commission meetings.
- State Board of Education meeting will be in Sacramento on March 7-8, 2001 and a representative from the Commission will need to attend one of the days.
- Committee on stakeholders will be coalesced by Commissioner Julie Kennedy.
- A visit to the Legislature on Thursday, March 22, 2001 as part of the Commission meeting will be planned.

- Commissioner Jan Mangini will explore having the October 2001 Commission meeting in San Mateo.

CHAIR REPORT

Chair Aronin reported Senator Deirdre Alpert was forming a committee regarding an education master plan for California students in K-12 and postsecondary education. Commissioner Patty Boyle volunteered to contact Senator Alpert's office regarding the committee.

APPROVAL OF JANUARY 25-26, 2001 MINUTES

Due to the Commission Office's move to another building site, January's minutes were not available for approval and will be approved at the future Commission meeting.

STUDENT MEMBER REPORT

Student Member Danielle Morin reported she had begun a class on Introduction to Special Education.

Kevin Verdi, who will begin his appointment in September 2001, briefed the Commission on his activities. Currently, he is a student at Irvine Valley Community College and serves on the Orange County Juvenile Justice Commission. He is also involved in the Americans with Disabilities Act (ADA) on campus, and is a student advocate.

Update: "California's State Policies and Procedures for Special Education" – Application for FY 2001 Part B of the Individuals with Disabilities Education Act (IDEA) Federal Funds – Action Plan, Dr. Alice Parker, Director, Special Education Division (SED), gave an update on "California's Policies and Procedures for Special Education," and commented the change in statute in 1997 required a state's policies and procedures be presented to the Secretary of Education in whole. The SED received an analysis from the Office of Special Education Programs (OSEP) on areas missing in the Policies and Procedures. These areas included alignment with statute in California and in Washington, D.C. Dr. Parker will report to the Commission the specifics regarding the Policies and Procedures at its March 2001 meeting. In addition, Dr. Parker stated interagency agreements from Departments of Health Services, Mental Health, Developmental Services, Development Centers and Department of Rehabilitation would be taken to the State Board of Education for approval in March and requested the Commission take action to have these agreements submitted to the State Board of Education in March.

M/S/C 01-02-01

MOVE THAT THE FOLLOWING 5 AGENCIES' INTERAGENCY AGREEMENTS WITH THE STATE DEPARTMENT OF EDUCATION, SPECIAL EDUCATION DIVISION BE SUBMITTED TO THE STATE BOARD OF EDUCATION. THE AGENCIES ARE: 1) HEALTH SERVICES, 2) MENTAL HEALTH SERVICES, 3) DEVELOPMENTAL SERVICES, 4) DEPARTMENT OF REHABILITATION AND 5) DEVELOPMENTAL CENTERS.

Monroe/Hawkins

Special Education Division Report: Dr. Alice Parker, Executive Secretary, Director,

reported she attended a meeting with State Directors of Special Education from New York, Florida, Texas, Ohio, Pennsylvania, Illinois and California. Dr. Parker stated the seven states represented over half the children with disabilities in the United States. The largest city of each of the seven states was invited to attend a one-day meeting to discuss areas of need in large urban school districts with children with disabilities. The cities were New York City, Miami-Dade, Houston, Pittsburgh, Los Angeles Unified School District (LAUSD), Chicago, and Columbus, Ohio. Issues of discussion during the meeting were:

- Accountability
- Early intervention programs
- Five areas of ongoing conversation/action plans were developed: early intervention and strategies and literacy (reading, writing, math)
- Assessment in high stakes accountability, graduations, variety of diplomas,
- Closing gap between low socio-economic, linguistic and ethnic minority, and populations
- Teacher recruitment and retention

Other meetings Dr. Parker participated in during her stay in Washington, D.C.:

- Advocacy meeting to which she provided a one-page document developed at the seven-state meeting, titled, "Accountability for All Moving from Process to Performance." Highlights of the document included:
 - * Emphasizing educational results while protecting procedural guarantees for children with disabilities and their families.
 - * Validated data to increase efficiency and effectiveness of educational programs.
 - * Encouraging research based effective practices to improve teaching and learning.
 - * Verification of improved educational results and procedural guarantees
 - * Timely targeting of resources and support for creating solutions to identify problems in areas of greatest need.
 - * Appropriate sanctions and rewards as necessary to implement changes.
- Meeting with Chiefs of Staff regarding full funding for IDEA, national WorkAbility programs, and accountability in educational benefits.
- Meeting on "Educational Policy Reform Research Institute," a nationally funded research project. The focus was on students with disabilities and how program services affect them. The next meeting will be in May and will be a joint symposium with parent training institutes and other large organizations. The focus will be on performance goals and indicators.

Dr. Parker will attend the National CEC Conference and present on data informed quality assurance processes. A team from the CDE and various school districts from California will attend a three-day symposium on improving outcomes for low performing schools for Title I, at-risk students and children with disabilities.

Dr. Parker encouraged the Commission to look at national legislative efforts on special education as well as in California.

In addition, Dr. Parker suggested the Commission send a letter to Senator Boxer regarding a bill on Early Education Act of 2001.

Upcoming Training for Commission

Art Cernosia and Perry Zerkel on legal issues in California.

LRE Task Force – training material is being developed

Training dates will be given to Commissioners in March.

Questions/Comments:

A suggestion was made that the CDE provide the Commission information on the education master plan Senator Alpert's Office was working on in areas such as, guaranteeing higher quality education opportunities, teachers, faculty and administrators, standards assessment and accountability governs, facilities and others. Dr. Parker stated she would contact Henry Der, Deputy Superintendent, CDE and would report back to the Commission in March. In addition, Ron Kadish, Director, State Special Schools Division, commented the CDE had taken a position of noninvolvement at this time and he volunteered to provide the Commission copies of information from the Internet.

State Special Schools Division Report: Dr. Ron Kadish, Director, spoke about an accident that occurred involving students and a teacher from Fremont School for the Deaf. In addition, Dr. Kadish updated the Commission on the following:

- The School for the Blind had its 4th Annual Braille Bee with an increase of 15 percent in the number of students.
- National Council for the Blind and National Association of State Directors of Special Education (NASDE) will develop a cadre of trained individuals throughout the United States to help train educators of the visually impaired and blind on the new national guidelines for blindness. The top two administrators of the School for the Blind as well as Dennis Kelleher (SED's Director's Office) will participate in the training.
- Council on Educational Administrators Serving the Deaf (CEASD) will also work with NASDE on another training.

Dr. Kadish provided copies of the "1999 Year End Report from the three Diagnostic Centers." The Diagnostic Centers completed 1,588 assessments last school year in addition to providing formal trainings in six core areas: autism, behavior issues, curriculum strategies and intervention, literacy, social skill development and transition. See handout.

- Nancy Sager, Consultant, State Special Schools Division conducted four trainings on New Guidelines for Deaf and Hard-of-hearing Programs and will report to the Commission at its next meeting.
- A workgroup was developed to focus on new standards for educational interpreters of the deaf. Nancy Sager will report on this work group and its recommendations at a future ACSE meeting.

On March 9, 2001, staff from the State Special Schools Division will present at the Cal-Ed Impact Conference, Ontario, California. Families and children will be encouraged to attend the conference.

Dick Crow, Consultant, State Special Schools Division, is establishing a workgroup on improving our service delivery system for deaf multi-handicapped students.

PUBLIC INPUT

Pat Moore, Director of Instruction, California School for the Deaf, Fremont, California, spoke to the Commission on alternate diplomas for students. Conference of Executives of Administrators for Schools for the Deaf sent a letter nationwide to Schools for the Deaf asking letters be written to Senator Welstone, Democrat from Minnesota who proposed federal legislation that would prohibit one test from determining whether or not a student would graduate from high school. Bobby Scott, Democrat, Virginia, U.S. House of Representatives is sponsoring this bill (SB 2348) that will provide fairness and accuracy in student testing.

Suzanne Fisher, Executive Director, California Association of School Psychologists (CASP), invited the Commission to CASP's Annual Convention on March 7-10, 2001, Holiday Inn, Costa Mesa, California. Complimentary registration will be offered to the Commission. Sixty workshops and presentations will be offered in special education. Speakers will include former Secretary of Education, Gary Hart and Scott Poland, President, National Association of School Psychologists.

Maureen Burness, Assistant Superintendent, representing Special Education Local Plan Area (SELPA) Administrators and the Association of California School Administrators (ACSA), Auburn, California, gave a legislative update of these associations. 1) The alignment of the California Education Code with the language and the Individuals with Disabilities Education Act (IDEA). 2) The SELPA voted for a conversation statewide beginning on Thursday, March 1, 2001, 2:00-3:30 p.m., Sacramento Hilton, and the Commission was invited to participate. Ms. Burness encouraged the Commission to watch legislation in process that would ensure federal dollars targeted for special education to go into special education programs. 3) Continuing issue of increased federal of IDEA. Commissioner Monroe volunteered to attend the meeting.

Alice McGill and Sandy Harvey, representing Deaf Education Coalition/IMPACT, a group of organizations, parents, administrators, educators and consumer advocates spoke to the Commission on a master plan for special education. Alice McGill requested the Commission to take a leadership role and ensure that special education was included in the master plan. Sandy Harvey expressed her appreciation of the Commission's work in ensuring California's children in special education are provided for. Ms. Harvey expressed concern that there was no accountability framework to assure special education is not left out.

Jan Jones-Wadsworth, Consultant, California Commission on Teacher Credentialing (CTC), related CTC's activities to the Commission. The CTC will review the structure of Tier I and Tier

II of the Administrative Services Credentialing in California. There was no mandate for any information to be presented in the structure of that program related to special education administration. Mrs. Jones-Wadsworth stated she was involved with public hearings throughout California and the next public forum would be on February 27, 2001, Radisson Hotel, Union City. A task force will make recommendations to the Commission between June and September 2001. Maureen Burness and Barbara McNeil (San Diego Unified School District) are part of this task force and the Commission was invited to contact them or Mrs. Jones-Wadsworth with any information. In addition, the CTC participated in the master plan hearings on teacher credentialing and the next one on March 6, 2001 will focus on administrator shortage, supply and demand. The CTC will update the Commission on the Beginning Teacher Support and Assessment (BTSA) at the next Commission meeting.

Robert Powell, Advocate, California Speech-Language-Hearing Association, spoke on education reforms and specialized need to remind policy makers that unintended consequences of higher standards and smaller general education classes are increasing demands on special education. Mr. Powell stated special education specialists are not included in teacher recruitment and retention. Mr. Powell expressed his appreciation of the Commission's support of AB 149.

Education Update: Kerry Mazzoni, California Secretary for Education, Sacramento, welcomed new members to the Commission and stated that Lynn Lorber would assist her with the Commission and encouraged the Commission to contact Ms. Lorber on any legislation questions. Secretary Mazzoni stated the special education mandated claims issue had been settled. Senator Jack O'Connell would hear the bill for Governor Gray Davis on February 23, 2001. Secretary Mazzoni stated one of the issues was in attracting, training and retaining teachers. Governor Davis included special education teachers in the proposal of training all teachers in math, English/Language arts.

Presentation: Zero Tolerance, Daniel J. Losen, Esq., Legal Research and Advocacy Association, Harvard Law School, Cambridge, Massachusetts, gave a brief account of his background. Mr. Losen taught ten years in an elementary public school in Massachusetts. He attended law school and currently is involved in legal research for the Civil Rights Project at Harvard University. The goal of the Civil Rights Project is to unite policy makers and researchers on issues of civil rights regarding education, housing and other areas. Mr. Losen distributed a document titled, "*Minority Issues in Special Education.*" The document dealt with disproportionality in identification and placement and related concerns about zero tolerance in special education. One of Harvard's research findings in the document suggested that "race/ethnicity and gender account for significant overrepresentation of minority students in special education, even after accounting for the effect of poverty." Another finding suggested, "under-servicing of minority students increases the likelihood of discipline problems, school failure, and dropping out."

Recommendations included:

- Greater resources for oversight
- Cross-train educators
- Raise academic performance for the most disadvantaged students

- Parent education and training
- Add accountability measures beyond training

See handout.

Questions/Comments ensued.

Mr. Losen was asked to provide specific recommendations to the Commission.

Presentation: Mandated Cost Claims, Richard L. Hamilton, Associate General Counsel, California School Boards Association, Director, Education Legal Alliance, West

Sacramento, distributed a “Summary of a Settlement and Release Agreement on the Special Education Mandated Cost Claim” and a copy of the adopted *Parameters and Guidelines* for the mandate claim. Mr. Hamilton stated he was involved in the negotiation and settlement of the Riverside and Long Beach claims that resulted in the Summary and Guidelines. The settlement, if approved, will provide schools, county offices of education, and SELPAs with retroactive general fund reimbursement and increased ongoing special education funding as part of the regular state budgeting process without ever filing mandate claims. The *Parameters and Guidelines* cover in special education such as, Community Advisory Committees, Enrollment Caseloads, Extended School Year, and Governance Structure and others. See Handout.

Presentation: Charter Schools and Districts Working Together, Peter Thorp, Principal, Gateway High School, and Mary Janigian, Resource Specialist, San Francisco Unified

School District, shared information about Gateway High School and charter schools regarding special education and students with learning disabilities. Mr. Thorp spoke about Gateway’s mission statement as establishing Gateway as a model high school. The school is in its third year of operation and began with 100 9th grade students and has added a grade each year. The first graduating class will be in June 2002. Out of 285 students, eighty different middle schools are represented. Gateway has a yearly Memorandum of Understanding with the school district to pay \$385 per student. In return, the school district provides services in RSP, speech and language therapists. Mr. Thorp stated all students at Gateway are encouraged to take the Standardized Testing and Reporting (STAR) test.

In addition, Mr. Thorp’s concern centered on the high school exit exam in regard to special education students.

Mary Janigian described levels of service San Francisco Unified School District provides for students. Services include consultations with students and/or parents, teachers or other staff and service categories are in: 1) “Hands-on” method within the general education classroom with a special education teacher, other resource teacher or a para-professional in the classroom, 2) Learning Center direct instruction of underlying skills, and 3) Direct instruction in the content area. Ms. Janigian stated math had been one of the most difficult in the content area for the students. One fundamental difference at San Francisco Unified was staff’s mindset that every student would learn the content. Ms. Janigian requested the Commission review the allocation of one resource teacher to 28 students as a maximum caseload and to work with general education

teachers. Fourteen percent of the students have been identified with Individualized Education Plans (IEPs).

Questions/Comments ensued.

Presentation: “Are Programs That Are Adequately Funded, Successful?” – Roxie Jackson, Program Manager, Special Education, San Diego Unified School District, shared information with the Commission regarding three programs in San Diego city schools that were developed as nonpublic school alternatives: 1) Successful Transitions with Response and Support (STERS) Program, 2) Del Sol Academy, k-12, is a full day school program and 3) Learning Center Program is a program with a 1:1 staff to student ratio for two to four hours per day. Students with emotional problems were targeted for these programs. There are six sites with two elementary, middle and high school programs. Staff to student ratio is 1:3 to 1:4. Each high school had 48 diploma-bound students, one lead teacher, four teachers (each specializing in one area), one counselor and eight instructional aides. Both the STERS elementary and middle School programs each have 24 diploma-bound students. Monthly progress reports are sent to home schools. Thirty-one percent of students made over one year’s growth in reading; 33 percent made two+ years growth. Ms. Jackson stated the key components for the programs were: diagnostic instruction, enough follow-through staff and on-going staff development. The cost to start a nonpublic school program is \$90.50 - \$127 per day. New programs that have begun include Fast Forward, Interactive Metronome, and Brain Gym (sensory integration).

Presentation: Fifth Avenue Academy, Commissioner Angela Hawkins, presented the Commission with information about Fifth Avenue Academy, a component of Sweetwater District, in Chula Vista, California. Fifth Avenue is a nonpublic school choice for parents. Commissioner Hawkins explained the use of one-time Medi-Cal Administrative Claim money to buy the house next to her office to set up the Academy in 1999. Some of the services the Academy provides include:

- Low class size
- Standards-based curriculum
- hand-picked teachers (M.A.)
- On-site psychologist five days a week
- Speech therapy five days a week and assistants in each room
- Vision therapy, music (guitars) for all students
- All high school electives
- Flexible scheduling

Commissioner Hawkins stated 16 students were enrolled the first year with one graduation, and 24 students have enrolled for school year 2000-2001 with one student graduating in 2000 and three in 2001. (See handout) In addition, Commissioner Hawkins stated her district needed “seed money” to start up more programs like Fifth Avenue Academy. It was decided to have this topic for the next Commission meeting for further discussion.

Presentation: California Association of Resource Specialists and Special Education Teachers (CARS+) Grant Award Program, Debbie Baehler, CARS+ President,

welcomed the Commission to the CARS+ Convention and expressed her appreciation of the Commission's efforts toward class-size reduction. Mrs. Baehler invited the Commission to the CARS+ luncheon on Friday, February 23, and highlighted Anita Archer as the key speaker. In addition, Mrs. Baehler distributed two handouts—one, an announcement of the Town Hall Meeting where Senator Jack O'Connell and Tom Griffin (declared candidate for Superintendent for Public Instruction in 2002) would speak at the Grand Ball Room on February 24. The other handout was on *Grants for Quality Programs Available*. The grants were funded by Wells Fargo Bank and Toyota to help enhance the quality of ongoing special education instruction and to encourage development of creative new programs throughout California. See handouts.

Parent/District Presentation: Alternate Dispute Resolution (ADR), Cathy Nicoll, Coordinator, Valarie Baugh and Malisa Cochran, Program Specialists, Contra Costa SELPA,

introduced Maureen Burness, Placer-Nevada SELPA Director and Karen Johnson, Complaint Management Unit, (State Department). Ms. Nicoll stated the Contra Costa SELPA was in its seventh year of involvement with Alternate Dispute Resolution. The communities under the Contra Costa SELPA are Orinda, Moraga, Lafayette, Walnut Creek, Alamo and Danville. The three Contra Costa SELPA representatives gave an overview of a presentation that Dr. Johnny Welton, Director, Contra Costa SELPA made at the National Symposium on Dispute Resolution in Special Education in Washington, D.C. on November 29, 2000. The title of the presentation was, *California's Dispute Resolution System: Innovation and Excellence*. Information included California's Statewide ADR Network, ADR Network Funding and Implementation Model, the development of the Alternative Dispute Resolution Plan for Placer Nevada SELPA, Local Intake Coordinators, and Solutions Panels Training. See Handout. Cathy Nicoll stated she and the rest of the presenters would like to return and give an update to the Commission.

Questions/Comments ensued.

As there was no further business, the meeting adjourned at 5:00 p.m.

Friday, February 23, 2001

Commission Members Present

Loeb Aronin, Chair
Patty Boyle
Karla Geller
Shirley Kaltenborn
Barbara Monroe
Sam Swanson

Louis Cassani, Vice-Chair
Allison Brightman
Angela Hawkins
Janet Mangini

Commission Members Absent

Patricia Flores-Charter
Lawrence Siegel

Julie Kennedy
Linda Wyatt

Student Member Present

Danielle Morin

Student Member Absent

Shawn Mohamed

Legislative Members Absent

Charles Poochigian, Senate Member

Fran Pavley, Assembly Member

Governor's Office, Deputy of Education K-12, Liaison Absent

Theresa Garcia

State Board of Education Liaison Absent

Susan Hammer

Kathryn Dronenburg

Department of Education Staff - Present

Ronald S. Kadish, Director
State Special Schools Division

Absent

Alice Parker, Executive Secretary
Director, Special Education Division

Department of Education Staff – Present

Yolanda Starr, Commission Secretary

Absent

Janet Canning, Staff Liaison

Friday, February 23, 2001

CALL TO ORDER

Chair Loeb Aronin called the meeting to order at 8:40 a.m. Roll was taken and a quorum was present.

ANNOUNCEMENTS

Chair Aronin announced Jim Bellotti, Manager, Special Education Division would be sitting in for Dr. Alice Parker, who was making a presentation at the CARS+ Convention.

The State Board of Education meeting in April did not yet have representation from the Commission and Chair Aronin passed the date list for Commissioners to volunteer.

Dr. Kadish announced he brought copies for the Commission on information from the web site regarding the Senate Committee Joint Master Plan and copies of SB 2348, (Wellstone) that would provide fairness and accuracy in student testing regarding the high school exit exam. . Though the bill died in 2000, it would be reintroduced this year. In addition Dr. Kadish brought more copies of the State Superintendent of Public Instruction's Advisory Task on Deaf and Hard-of-hearing Issues.

Presentation: High School Exit Exam and Standardized Testing and Reporting (STAR) Accommodations, Mark Fetler, Manager, Standards and Assessment Commission, and

Jan Chladek, Consultant, California Department of Education, shared three documents with the Commission. One was a memo from the State Board of Education on Proposed Changes to the High School Exit Exam Regulations Pursuant to Government Code Section 11346.8(c). The second document was *Guidelines for Test Accommodations for Students with Disabilities*. See Handout. The third document was *Special Instructions for Testing Students Requiring Special Accommodations*.

Ms. Chladek began by speaking about the status of the High School Exit Exam. After SB 84 (O'Connell) was introduced in January 2001, it was amended to include moving the year from the class of 2004 to the class of 2005 and to remove the urgency clause of the legislation. After several amendments, the bill was scheduled to go to the Assembly Appropriations Committee then to the Floor and back to the Senate. The test is scheduled for March 7, 2001. The proposed changes in the regulations are comprised of a 24-page document indicating additions by “**bold double underlining**.” The “Accommodations” (page 14) received significant changes. See Handout.

Dr. Fetler spoke on the *Special Instructions for Testing Students Requiring Special Accommodations* document. This document is distributed each year to school districts to help them administer the STAR Program to students with disabilities. The document will be available on the Internet this year. Increased accommodations have been made available to students with disabilities. The STAR Program has two components: 1) The Stanford 9 (standardized test published by Harcourt-Brace, and 2) The California Standards Test. See Handout

Dr. Fetler stated there was another statewide assessment, *The California English/Language Development Test* that will be administered to 1.5 million English learners, k-12. Ten percent of the students taking this test have disabilities. The test will be administered, for the first time, beginning May 14, 2001. It will be used for identification and classification of students for bilingual education services and funding.

Questions/Comments ensued.

Presentation: Medicaid Reimbursement and Special Education, Pam Wagner, Resource Nurse, Medical Reimbursement, and John DiCecco, Director, Health Partnership Programs, Los Angeles Unified School District (LAUSD), distributed a document on *Medicaid Cost Recovery Efforts by Schools - Why California Isn't Doing Very Well*. This document made a comparison between New York, Baltimore and Los Angeles regarding services provided and the dollar amount claimed for each service. In comparison to New York and Baltimore, California did not claim for Individualized Education Programs (IEP) and only allowed providers with medical licenses to claim for services. See Handout.

Mr. DiCecco spoke about challenges and opportunities in outreach enrollment regarding claim reimbursement and made three points:

- 1) The terms Medi-Cal or Medicaid are associated with welfare. Mr. DiCecco suggested instead to think of the term “working poor.” The majority of claims are through the Medicaid Program or California Medi-Cal. The current Medi-Cal application consists of five pages and does not require visiting the Welfare Department.
- 2) California offers reimbursement to “community assisters” to assist families with the application process. The LAUSD utilizes parents as para-professionals to assist other parents, in addition to using health and human services providers.
- 3) The Healthy Families Program is also available for people whose income limits exceed Medicaid and new funding is available to support outreach and enrollment.

In addition, Mr. DiCecco stated there were still problems with the transition between Medi-Cal and the Healthy Families Program. In conclusion, Mr. DiCecco stated his office and Department of Health Services was available to assist the Commission regarding any of the above practices.

Questions/Comments ensued.

Overview: Specific Learning Disability (SLD) Grant Project, David Raske, California State University Professor, Allan Lloyd-Jones, Pamela McCabe, Special Education Consultants, and Crystal Batson, Graduate Student Assistant, California Department of Education, provided two documents to the Commission. One titled, *Recommendations of the Specific Learning Disability Work Group to the California Department of Education* (available on web site at: <http://www.cde.ca.gov/spbranch/sed/sldrecom.pdf>) This document, divided in two sections, covered recommendations and supporting rationale for an SLD classification, including the discrepancy criteria contained in 5 CCR 3030(j) and also included the workgroup's recommendations on the development of guidelines for intervention and instructional support

regarding instructional strategies and assessment practices required by SLD eligibility criteria in EC 56337(c). The other document entitled, *Specific Learning Disability Classification Grants Funded Through the California Special Education Division*, listed six school districts that received grants (available on the web at <http://www.cde.ca.gov/spbranch/sed/sldgrnt.htm> (see handouts):

Berkeley Unified School District	\$16,500
El Rancho Unified School District	\$ 9,275
Franklin-McKinley Elementary School District	\$ 4,188
San Diego City Unified School District-	\$26,499
Stockton Unified School District	\$25,921
Tehama County Department of Education	\$10,439

Representatives from each district will meet with the Special Education Division on March 28, 2001. Information about the six districts may be obtained from the web site. Final reports from the pilot projects will be submitted on December 14, 2001 and consultants from the Special Education Division will compile the information.

Questions/Comments ensued.

PUBLIC INPUT

Donna Lucansky, Legislative Consultant, CARS+, Escondido, California, echoed CARS+ president Debbie Baehler in expressing her appreciation to the Commission for its participation in the CARS+ Convention. In addition, Mrs. Lucansky presented each Commissioner a Certificate of Recognition for their dedication and service to special education.

LEGISLATIVE/FINANCE COMMITTEE

Legislative Update: Paul Hinkle, Consultant, California Department of Education, Special Education Division, distributed several documents including bills introduced by the Legislature. The first document, *Analysis of the 2001-02 Budget Bill*, provided the Legislative Analyst's recommendations regarding special education provisions. Recommendation One-- the Legislature to extend the special education reporting requirements from the Supplemental Report of the 2000-01 Budget Act for an additional year. This would allow the Legislature to obtain information to fulfill its oversight responsibilities regarding compliance with federal special education requirements. Recommendation Two-- the Legislature to further equalize funding levels, using \$98 million of General Fund monies "freed up" by new federal funds—to bring approximately 75 percent of the state's average daily attendance to the same special education funding level. See Handout

The second document was a testimony by Dr. Roderick R. Paige, U.S. Secretary for Education, entitled, *No Child Left Behind, A Blueprint for Education Reform*. This document may be accessed on the web at: <http://www.ed.gov/Speeches/02-2001/010215.html>

In addition, Mr. Hinkle updated the ACSE on bills introduced by the Legislature as of February 22, 2001.

AB 164 (Harman) – Would require at least 30 days prior to filing a request for due process hearing with the State Superintendent of Public Instruction, a written Notice of Intent.

AB 192-(Canciamilla) – Regards the Bagley-Keene Open Meeting Act. See Handout

AB 303 (Dickerson) – Special education necessary small local plan areas. See Handout

AB 306 (Frommer) – Requires instruction in Braille provided to a functionally blind pupil to be sufficient to enable pupil to communicate effectively at the same level of language and grade proficiency of peers who have no vision impairment. See Handout

AB 379 (Papan) – Aligns state discipline law for special education pupils with the federal 1997 IDEA amendments and has another provision that would repeal the sunset review requirement for special education. See Handout

AB 615 (Calderon) – Would make changes to the special education funding mechanism. See Handout

AB 634 (Wesson) – Would change requirement for compulsory full time education from age 6 to age 5. See Handout

AB 789 (Salinas) – Would establish system of mental health services for seriously emotionally disturbed children whose mental health service needs cannot be met with funds provided through certain public programs or private health insurance. See Handout

AB 855 (Dutra) – Would require salaries paid to teachers and administrators employed by the State Special Schools or Director of Corrections to be no less than the salary of public school teachers and administrators employed by school districts. See Handout

SB 19 (Escutia) – Pupil health and self-testing of blood glucose level, and insulin injections. See Handout

SB 84 (O'Connell) – Would extend effective date of high school exit exam by one year. See Handout

SB 105 (Burton) – Will create a new Commission for the Blind and Visually Impaired. See Handout

SB 113 (Haynes) – Pupil and family privacy act provision that will prohibit use of social security numbers except when required by federal law. See Handout

SB 318 (Alarcon) – Intent of Legislature to provide funds for all pupils with learning disabilities to be properly diagnosed and treated early in their education. See Handout

SB 404 (Polanco) – Prison inmate education bill includes special education. See Handout

SB 505 (Perata) – Would require State Superintendent of Public Instruction to conduct annual onsite reviews of each school site under the California Youth Authority of programs for individuals with exceptional needs. See Handout

SB 511 (Alpert et al) – Would require the CDE to coordinate the establishment of Family Empowerment Centers on Disability, subject to funding available for this purpose, in each of the 33 Early Start Resource Centers operated by the Department of Developmental Services. See Handout

SB 606 (Vasconcellos) – Public health - vision appraisal of eye tracking, fixation, focusing and eye teaming. See Handout

The third document Mr. Hinkle distributed was the *U.S. Congress Legislative Update* as of February 22, 2001:

H.R. 73 (Jackson-Lee) – Study on the identification and treatment of children with dyslexia from K-3rd grade.

H.R. 214 (Tancredo) – Authorize appropriations for Part B of IDEA to achieve full funding by 2006.

H.R. 371 (Rivers) – Amend the IDEA relating to minimum amount of state grants for any fiscal year under Part B of IDEA.

H.R. 651 (Graves) – IDEA amendment – increased authority for school personnel to discipline children with disabilities who engage in dangerous behavior.

H.R. 659 (Hooley) – Authorize appropriations of Part B of IDEA for full funding by 2006.

H.R. 714 (Tierney) – IDEA amendment regarding funding for programs under the Elementary and Secondary Education Act.

S. 7 (Daschle) – Public education for all children and support lifelong learning; contains \$2 billion appropriation for Part B of the IDEA for Fiscal Year 2002.

S. 33 (Thurmond) – Amend Title II of the Americans with Disabilities Act of 1990 and Sec. 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section.

S. 66 (Inouye) – Public Health Service Act amendment for physical and occupational therapists.

S. 119 (Snowe) – Funding for state, regional and local school construction; repayment tied to full funding of the IDEA.

S. 308 (Feinstein) – Grant awards for school construction; tied to class and school size reduction and termination of social promotion.

S. 321 (Grassley) – Social Security Act amendment and Medicaid program coverage for families of children with disabilities.

S. 337 (Domenici) – Elementary and Secondary Education Act of 1965 amendment for general education and special education teacher recruitment centers..

SEE HANDOUT FOR SPECIFIC INFORMATION OF ABOVE BILLS.

STATE LEGISLATIVE BILL ASSIGNMENTS

AB 164 (Harman) – Allison Brightman

AB 192 (Canciamilla) – Larry Siegel

AB 303 (Dickerson) – Louis Cassani

AB 306 (Frommer) – Shirley Kaltenborn

AB 379 (Papan) – Janet Mangini

AB 420 (Wayne) – Julie Kennedy

AB 508 (Pavley) – Patty Boyle

AB 615 (Calderon) – Louis Cassani

AB 634 (Wesson) – Karla Geller

AB 789 (Salinas) – Loeb Aronin

AB 855 (Dutra) – Shirley Kaltenborn

SB 19 (Escutia) – Angela Hawkins

SB 84 (O'Connell) – Sam Swanson

SB 105 (Burton) – Angela Hawkins

SB 113 (Haynes) – Shirley Kaltenborn

SB 318 (Alarcon) – Patty Boyle

SB 343 (Figueroa) – Allison Brightman

SB 377 (Polanco) – Patricia Flores-Charter

SB 391 (McPherson) – Linda Wyatt

SB 404 (Polanco) – Janet Mangini

SB 505 (Perata) – Larry Siegel

SB 511 (Alpert) – Patty Boyle and

Allison Brightman

SB 606 (Vasconcellos) – Julie Kennedy

U.S. CONGRESS LEGISLATIVE ASSIGNMENTS

H.R. 73 (Jackson-Lee) – Sam Swanson

H.R. 214 (Tranchedo) – Patty Boyle

H.R. 651 (Graves) – Allison Brightman

H.R. 371 (Rivers) – Linda Wyatt

It was decided not to provide copies of bills to all Commissioners. Only those Commissioners assigned to track certain bills will receive copies of that bill. Commissioners who have a special interest in a particular bill, may contact the Commission Secretary for a copy. Commissioner Lou Cassani requested not to have any bills sent to him.

As there was no further business, meeting adjourned at 12:10 p.m.